UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,107	10/30/2006	Satoshi Hashimoto	P30026	2090

52123   7590   09/15/2011
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
DANG, HUNG Q

ART UNIT	PAPER NUMBER
2484	

NOTIFICATION DATE	DELIVERY MODE
09/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 August 2011_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) _1 and 8-12_ is/are pending in the application.

   5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) _1 and 8-12_ is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 08/17/2011 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 8-12 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jung et al. (US Patent 7,401,100 – hereinafter Jung), Angiulo et

al. (US 2002/0135621 A1 – hereinafter Angiulo), Uhler et al. (US Patent 5,845,075 –

hereinafter Uhler), and Kikuchi et al. (US Patent 5,870,523 – hereinafter Kikuchi).

Regarding claim 1, Jung discloses a playback apparatus for playing a video

stream recorded on a recording medium *(column 3, lines 32-35)*, the recording medium

including a computer program that is to be executed during playback of the video

stream *(column 3, lines 32-35; column 4, lines 62—column 5, line 6; column 7, lines 34-*

44), the video stream including control information in form of VOBU time tables *(column*

6, lines 56-63), and the computer program including predetermined codes for

designating a plurality of images and time information in form of VOBU corresponding to

each of the plurality of images *(column 4, lines 49-51; column 5, lines 45-49; column 6,*

lines 63-65; column 6, lines 56-63), the playback apparatus comprising: a storage

("Content Buffer 12" in Fig. 1); a player successively plays the video according to the

control information *(column 6, lines 56-63)*; an image plane *(column 4, lines 51-55)*; a

platform including a processor, an image selecting code, executable by the processor,

for selecting a selected image to be rendered and storing the selected image in the

image plane *(column 7, lines 34-48; column 3, line 42 – column 4, line 15; column 4,*

lines 50-55), the platform causes the processor to execute the predetermined codes for

storing the designated plurality of images and the time table in form of VOBU

corresponding to each of the plurality of images in the storage *(column 4, lines 49-51;*

column 5, lines 45-49; column 6, lines 63-65; column 6, lines 56-67; column 3, lines 36-

38; "Content Buffer 12" in Fig. 1); and the platform causes the processor to execute the

image selecting code for selecting the selected image to be rendered from among the

plurality of images stored in the storage based on a specified location in the VOBU time

table of the video included in the control information, and time information in form of

VOBU corresponding to each of the plurality of images stored in the storage memory

and for storing the selected image in the image plane *(column 3, line 42 – column 4, line*

15; column 4, lines 49-55; column 6, lines 56-67); and a compositor that superimposes

the selected image stored in the image plane on the video during the playback of the

video stream *(column 4, lines 51-55)*, wherein the image selecting code is pre-stored on

the platform and executable by the processor *(column 7, lines 34-48; column 3, line 42*

– column 4, line 15; column 4, lines 50-55).

However, Jung does not explicitly disclose the image selecting code is in image

selecting native code; the processor that executes native codes, the platform including

an image selecting native code, executable by the processor, and the platform

interpreting and executing predetermined codes by converting the predetermined codes

into the native codes executable by the processor and causing the processor to execute

the native codes; the time table in form of VOBU for specifying a location on a time axis

relating to playback timing of the video stream, and the time table in form of VOBU

comprises rendition time corresponding to each image, wherein the image selecting

native code is pre-stored on the platform.

Angiulo discloses a platform including an image selecting native code,

executable by a processor without conversion *(p. 55; claim 18 – instructions stored on a*

memory medium, executed by a computer).

One of ordinary skill in the art at the time the invention was made would have

been motivated to incorporate the teachings of Angiulo into the playback apparatus

taught by Jung to implement the image selecting code in native code because it is

known that the execution of a program would be faster if it is in machine code.

However, Jung and Anguilo do not disclose the platform interpreting and

executing predetermined codes by converting the predetermined codes into the native

codes executable by the processor.

Uhler discloses a platform interpreting and executing predetermined codes by

converting the predetermined codes into the native codes executable by the processor

(Fig. 1; column 3, lines 18-24; column 3, lines 53-64 – browser commands are written in

an interpreted language, then converted to native code to be executed by an

interpreter).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Uhler into the playback apparatus taught by Jung and Angiulo so that new functionality of the web browser could be easily added *(Uhler, column 2, lines 33-45)*.

However, Jung, Angiulo, and Uhler do not explicitly disclose the time table in form of VOBU for specifying a location on a time axis relating to playback timing of the video stream, and the time table in form of VOBU comprises rendition time corresponding to each image, wherein the image selecting native code is pre-stored on the platform.

Kikuchi discloses the video stream including control information as time table in form of VOBU for specifying a location on a time axis relating to playback timing of video of the video stream *(column 18, line 44 – column 9, line 4)*, and the time table in form of VOBU comprises rendition time corresponding to each VOBU *(column 18, line 44 – column 9, line 4)*.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the time table in form of VOBU for specifying a location on a time axis relating to playback timing of video of the video stream and comprising rendition time disclosed by Kikuchi into the playback apparatus taught by Jung, Angiulo, and Uhler in order to make the playback apparatus capable of playing back video streams and images in accordance with MPEG existing standards.

Claim 8 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 9, see the teachings of Jung, Angiulo, Uhler, and Kikuchi in the proposed combination as discussed in claim 1 above. In the proposed combination, Jung, Angiulo, Uhler, and Kikuchi do not explicitly discloses the predetermined codes further designate rendition coordinates corresponding to each of the plurality of images, and the image selecting native code selects the selected image to be rendered from among the plurality of images stored in the storage based on a rendition location included in the control information and the rendition coordinates corresponding to each of the plurality of images.

Uhler further discloses the predetermined codes further designate rendition coordinates corresponding to each of the plurality of images *(Fig. 1 - command line P1: "center text ..." or command line P2: "right justify text ..." – wherein in view of the combination with Jung, the text is interpreted the image content taught by Jung).*

One of ordinary skill in the art at the time the invention was made would have been motivated to further incorporate the teachings of Uhler above into the playback apparatus taught by Jung, Angiulo, Uhler, and Kikuchi in the previously proposed combination to provide user's with control over the location of image to be displayed.

In the proposed combination above, Jung, Angiulo, Uhler, and Kikuchi do not explicitly discloses the image selecting native code selects the selected image to be rendered from among the plurality of images stored in the storage based on a rendition location included in the control information and the rendition coordinates corresponding to each of the plurality of images.

Angiulo further discloses the image selecting native code selects the selected image to be rendered from among the plurality of images stored in the storage based on a rendition location included in control information and the rendition coordinates corresponding to each of the plurality of images *([0007]; p. 55; claim 18 – instructions stored on a memory medium, executed by a computer to cause selecting thumbnail images stored in storage as described in [0113] to be displayed at a rendition location included in control information given by a template).*

One of ordinary skill in the art at the time the invention was made would have been motivated to further incorporate the teachings of Angiulo into the playback apparatus taught by Jung, Angiulo, Uhler, and Kikuchi as described in the previously proposed combination to display the images in a location that the user desires.

Regarding claim 10, Angiulo also discloses the image selecting native code selects the selected image only when rendition coordinates of the selected image are within a predetermined proximity of the rendition location *([0007]; p. 55; claim 18 – selecting thumbnail images only when the rendition coordinates of the selected image are within a proximity of rendition location, which is predetermined by the template).*

The motivation for incorporating Angiulo into Jung, Uhler, and Kikuchi has been discussed in claim 9 above.

Claim 11 is rejected for the same reason as discussed in claim 9 above.

Claim 12 is rejected for the same reason as discussed in claim 10 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2484

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2484